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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/800,113	03/06/2001	John C. Yundt-Pacheco	HEMA.71475	2746

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EXAMINER

THAI, HANH B

ART UNIT PAPER NUMBER

2171

DATE MAILED: 09/01/2004

16

Please find below and/or attached an Office communication concerning this application or proceeding.

SK

Office Action Summary

Application No.

09/800,113

Applicant(s)

YUNDT-PACHECO, JOHN C. 

Examiner

Hanh B Thai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on The Appeal Brief filed July 6, 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

In view of the appeal brief filed on July 6, 2004, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Claim Rejections - 35 USC § 103.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over French (U. S. Patent no. 5,437,024) in view of Suzuki et al. (U. S. Patent no. 6,665,081).

1. Regarding claim 1, French discloses a computer system (5, Fig. 2) having a laboratory information system application program (15, Fig. 2), an operating system (10, Fig. 2) and a printer driver (76, Fig. 2), a method for formatting data from a group of laboratory instruments (15a-c, Fig. 2), the method comprising:

- Obtaining data indicative of outputs of the group of laboratory instruments by the laboratory information system application program (see Fig.2 and col.11, lines 41-57; col. 12, lines 60-63, French).
- transferring the data from the laboratory information system application program, to an operating system for printing (see col. 20. lines 43-52 and 65-67, French);
- transferring the data, by the operating system, to the printer driver (see col. 12, line 57 to col. 13, line 9 and lines 19-24, French) ;
- formatting the data, by the printer driver, into a format required by an external monitoring facility (see col. 11, lines 58-67, French); and

French, however, is silent with respect to the specific printer circuitry and software necessary for carrying out his invention. Suzuki, on the other hand, discloses state of the art printer driver circuitry and software necessary to carry out the objectives of French. Because French is silent with regard to printer drivers and querying buffers necessary to carry out the printing and Suzuki discloses an existing system that would work well with a printer in French. One of ordinary skill in the art at the time of the invention would have included the claimed feature as taught by Suzuki. The motivation of doing so would have been to save the computer memory cost (col.12, lines 62-63, Suzuki), as well as to provide an efficient and quality print product in French.

2. Regarding claim 2, French discloses a computer system (5, Fig. 2) having a laboratory information system application program (15, Fig. 2), an operating system (10, Fig.2), a printer driver (76, Fig. 2) and a port monitor (70, Fig. 2), a method for formatting data from a group of laboratory instruments, the method comprising:

- Obtaining data indicative of outputs of the group of laboratory instruments by the laboratory information system application program (see Fig.2 and col.11, lines 41-57; col. 12, lines 60-63, French).
- transferring the data, by the laboratory information system application program, to an operating system for printing (see col. 20. lines 43-52 and 65-67, French);
- transferring the data from the operating system to the printer driver (see col. 12, line 57 to col. 13, line 9 and lines 19-24, French);
- transferring the data from the printer driver to the port monitor (see col. 9, lines 56-62 and col. 10, lines 34-44, French);
- formatting of the data, by the port monitor, into a format required by an external monitoring facility (see col. 11, lines 58-67, French); and

French, however, is silent with respect to the specific printer circuitry and software necessary for carrying out his invention. Suzuki, on the other hand, discloses state of the art printer driver circuitry and software necessary to carry out the objectives of French. Because French is silent with regard to printer drivers and querying buffers necessary to carry out the printing and Suzuki discloses an existing system that would work well with a printer in French. One of ordinary skill in the art at the time of the invention would have included the claimed feature as taught by Suzuki. The motivation of doing so would have been to save the computer memory cost (col.12, lines 62-63, Suzuki), as well as to provide an efficient and quality print product in French.

3. Regarding claims 3 and 4, French discloses a system for formatting laboratory instrument output data, the system comprising:

- A laboratory information system application program for receiving data outputs from one or more laboratory instruments (see Fig. 2 and col. 11, lines 41-67, French);
- an operating system (see col. 16, lines 10-14) operable to run the laboratory information system application program and to provide centralized printing; and
- a printer driver for receiving data to be printed and formatting the data according to a predetermined format (see col. 11, lines 41-46 and col. 13, lines 35-45, French).

French, however, is silent with respect to the specific printer circuitry and software necessary for carrying out his invention. Suzuki, on the other hand, discloses state of the art printer driver circuitry and software necessary to carry out the objectives of French. Because French is silent with regard to printer drivers and querying buffers necessary to carry out the printing and Suzuki discloses an existing system that would work well with a printer in French. One of ordinary skill in the art at the time of the invention would have included the claimed feature as taught by Suzuki. The motivation of doing so would have been to save the computer memory cost (col.12, lines 62-63, Suzuki), as well as to provide an efficient and quality print product in French.

4. Regarding claims 5 and 7, French/Suzuki combination discloses that the format required for an external monitoring facility comprises a title portion and a data portion (see col.13, lines 50-57, French).

5. Regarding claims 6 and 8, French/Suzuki combination discloses that the title portion comprises a field for material title, a field for material level, and a field for

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material lot number, and wherein the data portion comprises a field for date, a field for time, a field for test result, and a field for unit identifier (see Fig.4, French).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Suzuki et al. (US 6,665,081) disclose a print system printer driver and printer.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh B Thai whose telephone number is 703-305-4883 and 571-272-4029 after October 21, 2004. The examiner can normally be reached on 8 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 703-308-1436. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hanh Thai *HT*
Art Unit 2171
August 24, 2004


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